IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 34704 of 2007(F)

PETITIONER:

DR.KUMARAN T.A.,
THERAYIL HOUSE, KADAVANADU P.O.,
PONNANI, MALAPPURAM.

BY ADV. SMT.P.K.RADHIKA

RESPONDENTS:

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1. **THE ACCOUNTANT GENERAL(A&E),**
   THIRUVANANTHAPURAM, KERALA.

2. **THE SUPERINTENDENT,**
   GENERAL HOSPITAL, THALASSERY.

3. **DISTRICT MEDICAL OFFICER,**
   KANNUR DISTRICT, KERALA.

4. **STATE OF KERALA, REP. BY ITS**
   SECRETARY, FAMILY WELFARE AND HEALTH,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No. 34704 of 2007

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Dated this the 23rd day of November 2007

JUDGMENT

Petitioner retired from service as a Civil Surgeon on 30.9.2003. He is aggrieved by the fact that the retirement benefits due to him has not been disbursed to him so far. The only reason which apparently stands in the way of the disbursal of the retirement benefits is the pendency of the vigilance case against the petitioner before the Kozhikode Vigilance Court as CC 1/2005.

2. In the decision reported in ***Aravindaksha Pillai*** v ***Accountant General and others*** (ILR 2007(4) Kerala 519), this Court has taken the view that notwithstanding the pendency of the disciplinary proceedings or judicial proceedings, the DCRG that is payable to a government servant cannot be with held beyond the period of three years from the date on which he becomes a pensioner. The said principle is applicable to the case of the petitioner also. But I note that in this case the pensionary benefits due to the petitioner is yet to be sanctioned by the Accountant General.

3. In the circumstances, the writ petition is disposed of directing the petitioner to move the first respondent along with a

copy of this judgment within a period of one month from today in which case the first respondent shall take due notice of the declaration of law made in the aforementioned decision and proceed to pass orders sanctioning the pensionery benefits due to the petitioner in accordance with law. Needful shall be done by the Accountant General within a period of two months from the date of receipt of a representation by the petitioner. Subject to the orders of sanction issued by the first respondent, DCRG due to the petitioner will be disbursed within one month thereafter and necessary steps shall be taken in this regard by the 4th respondent. Copy of the judgment shall be made available to the 4th respondent by the petitioner within one month from today. Insofar as pension is concerned, petitioner shall be paid provisional pension in accordance with law and appropriate orders may be passed in this regard by the fourth respondent within a period of two months from today on the petitioner producing a copy of this said judgment before the 4th respondent.

V.GIRI, JUDGE

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